

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JONATHON L. WOODS

v.

KAREEM LOZER, et al.

)

)

) NO. 3:05-1080

) JUDGE CAMPBELL

)


ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 57) and Objections filed by the Defendants (Docket No. 58). The Court has reviewed the Report and Recommendation, the Objections, and the file. The Objections of the Plaintiff are overruled, and the Report and Recommendation is ADOPTED and APPROVED. Accordingly, Defendants' Motion for Summary Judgment (Docket No. 46) is DENIED.

Federal law provides that no action shall be brought by a prisoner with respect to prison conditions under Section 1983 until such administrative remedies as are available are exhausted. 42 U.S.C. § 1997(e). This case is referred to the Magistrate Judge for a Report and Recommendation on whether Plaintiff has exhausted his available administrative remedies as to his Section 1983 claims against these Defendants. The Magistrate Judge may have the parties brief the issue, if necessary.

In addition, in light of his failure to respond to Defendants' Motion for Summary Judgment, Plaintiff shall file with the Court, on or before December 5, 2006, written notice as to whether he intends to prosecute his claims in this action.

IT IS SO ORDERED.

  
TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE